

Burns District
Environmental Assessment
for
Commercial Day-use Activities
OR-020-EA-99-24

I. INTRODUCTION

In recent years, the Burns District has experienced a large increase in commercial day-use operations. These commercial day-use activities generally include sightseeing, natural history type tours, and utilizing small passenger vans and buses.

The District is concerned about the potential impacts as a result of these type of tours and also is committed to providing customer service in issuing Special Recreation Permits (SRPs) for commercial day-use.

SRPs are a tool to manage different types of commercial recreation activities on public land and are usually authorized on a case-by-case basis.

Permit authorization considers the type of activity being requested and how the activity will affect the natural resource and social values in the area.

Stipulations can be attached to the permit to mitigate impacts to the affected area and to meet resource and recreational objectives.

II. PURPOSE AND NEED FOR THE PROPOSED ACTION

The purpose of the proposed action is to streamline or simplify the permit process and assess the impacts for commercial day-use recreation, under 43 CFR 8372 on public land administered by the Burns District of the Bureau of Land Management (BLM).

The need for the action arises from the requirement of law, regulation, and BLM policy, that the BLM provide recreation opportunities to visitors using public land, and one avenue is to allow commercial use of these recreational opportunities. Current procedures entail a full internal review of each permit application. There is an opportunity to streamline the process to be more responsive to the public in issuing permits.

III. CONFORMANCE WITH LAND USE PLANS

The proposed action is in conformance with the existing land use plans for the Burns District.

Public land administered by the Burns District has two separate management plans, the Three Rivers Resource Management Plan (RMP), September 1992, and the Andrews Management Framework Plan (MFP), August 1982.

Currently, a draft Andrews RMP, published October 1998, is out for public review.

Additional plans the proposal is in conformance with include:

The Oregon Statewide Wilderness Environmental Impact Statement (EIS), December 1989; the Wilderness Study Report, October 1991; the Steens Mountain Recreation Management Plan, May 1984; the Diamond Craters Outstanding Natural Area (ONA) Recreation Management Plan, November 1985; the Donner und Blitzen National Wild and Scenic River Management Plan, May 1993; the Andrews Plan Amendment for Recreational Access Surrounding the Steens Mountain Loop Road, June 1993; and the Riddle Brothers Ranch Cultural RMP, March 1995.

IV. PROPOSED ACTION AND ALTERNATIVES

A. Proposed Action

The proposed action is a set of guidelines and stipulations permitting commercial day-use activities using public land administered by the Burns District Office to streamline the process to issue SRPs to day-use commercial activities that are low impact in nature, and are usually walk-in, or short notice requests for vehicles, small passenger vans, bus tours, day hikes, or any similar activities that are for the purpose of sightseeing, natural history, and environmental education. The proposed action would require commercial permittees to meet the requirements for an SRP as outlined in 43 CFR 8372 and this analysis.

Activities to be permitted are similar to current uses by private individuals, nonprofit organizations and educational groups, utilizing the public land in the Burns District.

Specific guidelines and stipulations will be attached to the permits as needed to mitigate any potential negative resource impacts on a case-by-case basis.

The Authorized Officer will follow SRP checklist to streamline the process of issuing the SRP. (Please refer to attachment SRP Process Checklist.)

These permits would be issued on a first come, first served basis.

It is projected that most requests for day-use commercial activity would be on the Steens Mountain Loop Road, the County road located on the east side of Steens Mountain, Diamond Craters, Diamond Loop Byway, Moon and Warm Springs Reservoirs, Chickahominy Reservoir, and BLM land north of Burns, adjacent to and mixed with U.S. Forest Service (USFS) land.

Primary use would occur at scenic overlooks, recreational, and watchable wildlife sites. Short day hikes may occur in and around these areas associated with the activities described above.

Guidelines and stipulations that would be considered for permit issuance in addition to the standard permits are as follows:

Only requests that utilize vehicles hauling less than 20 passengers will be permitted for the Steens Mountain Loop Road. Exceptions may be granted on an individual case basis. Public safety is a concern with the large tour buses due to the elevation, width, and grade of the Steens Mountain Loop Road.

All standard passenger vehicles, including buses, would be permitted on the State highways and most County roads (buses would not be permitted for those County roads that are not to a standard that would safely accommodate the vehicles) within the District.

Groups would be required to use existing trails to avoid impact to sensitive areas.

Permits would be stipulated for low impact use of the area, such as leave no trace principles, do not pick wild flowers, take only pictures, leave only footprints, etc.

Wildlife viewing will be from vehicles or at scenic overlooks, or watchable wildlife sites. If particular sites are frequented to the point of causing harassment to wildlife, the permitted use may be modified or suspended (i.e., sage grouse strutting grounds). Sage grouse viewing during the strutting season will be at designated sites only. When viewing eagles at designated roost sites, all visitors (including permittees and guides) will remain on the roadway or not approach closer than one-half mile of the roost.

Groups will be required to adhere to BLM's rock collecting guidelines, and have low impact use. No commercial rock removal activity would be permitted.

There will be no collection of plants unless specifically authorized.

Collecting of cultural resources will not be permitted.

Guided tours off roadways with all terrain vehicles will not be permitted.

Tours with 10 or more individuals that do not make stops at locations with rest room facilities will need to provide them.

Permittees will not establish use patterns that result in permanent changes such as the establishment of trails.

Vehicles of permittees will have name placards on the sides of each vehicle.

B. No Action Alternative

The no action alternative would be the present situation, which is the continuation of issuing SRPs when requested following a full internal review.

Currently, the District issues SRPs for all commercial operation of public land. These permits require advance notice to the District Office up to 180 days.

A detailed plan of operations outlining when, where, and how public land will be used is required. This process takes a considerable amount of time and does not allow for short notice request.

V. AFFECTED ENVIRONMENT

The Burns District manages approximately 3.5 million acres of public land in portions of Harney, Grant, Lake, and Malheur Counties.

The northern portion of the District is mixed within the Ochoco and Malheur National Forest land base. This area consists of the southern end of the Blue Mountain Range of Oregon and Washington. Ponderosa pine and fir stands are found throughout the area.

Within the upper one-third of the District is the Malheur National Wildlife Refuge. This is a large wetland/marsh area covering more than 187,000 acres, thus adding to a large Federal land base, consisting of BLM, USFS, and U.S. Fish and Wildlife Service (USFWS) lands.

The remainder of the District just south of the Blue Mountains is within the northernmost extension of the Great Basin.

This area is generally characterized as high desert with large expanses dominated by sagebrush. Western juniper, mountain mahogany, and aspen can also be found throughout the area. Also, there are large north/south mountain ranges separated by wide, internally drained basins, with playas on the valley floors.

Steens Mountain is the most popular of these ranges. Steens Mountain reaches an elevation of just under 10,000 feet and is rich in history and natural beauty.

The District manages for a variety of multiple-use activities such as livestock grazing, wild horses, fish and wildlife, recreation, minerals, cultural, fire, soil, water, air, and Special Management Designations such as Wilderness Study Areas (WSAs), National Wild and Scenic Rivers, Research Natural Areas/Areas of Critical Environmental Concern (RNAs/ACECs), National Historic Sites, and Recreation Lands.

VI. ENVIRONMENTAL CONSEQUENCES

The proposed areas of use contain no prime farmlands, floodplains, minorities, or hazardous wastes.

A. Proposed Action

1. Anticipated Impacts

a. Use of Existing Roads

Most of the use is expected to be in and around existing roads that are either maintained by the BLM, County or State highway department. There would be no additional impacts to the roads that are currently used for the activities to be permitted.

No health and safety concerns regarding sanitation are anticipated. Recreation sites that are currently developed will provide these commercial day-use activities the opportunities to use existing facilities such as rest rooms, picnic sites, and shelters.

Little or no environmental impacts are anticipated from this type of use. Some impacts that could occur are littering and/or vehicles parking off the main road causing some damage to surrounding vegetation, especially if conditions are wet.

There may be some problems with traffic congestion along the Steens Mountain Loop Road at certain overlooks and parking areas. This congestion may occur with other public land users during traditional high use weekends.

b. Special Management Areas

It is anticipated that some of the special management areas will be utilized in the commercial day-use activities.

No additional impacts are anticipated due to mitigating stipulations on the permit. Impacts could increase if there is a large increase in this kind of use. An increase of such a magnitude is not anticipated in the foreseeable future.

c. Vegetation

Little or no impacts are anticipated from commercial day-use on vegetation. The majority of the visitations will be vehicle oriented at existing overlooks which are well-defined for parking and walking to view the scenic vistas.

On occasion, groups may hike on an existing trail that is established within the District. Anticipated impacts to the area will be low, and short term in nature.

Impacts that could occur to mature plants would be the collection of sensitive T&E species in violation of a permit.

d. Wildlife

No impacts to wildlife are anticipated except where certain species are targeted for observation during certain times of the year; in particular sage grouse and bald eagles. Currently, groups viewing sage grouse strutting areas have caused disturbance to the birds, where road access is close to these areas. The potential exists for birds to abandon these sites due to public disturbance of the strutting grounds. With the proposed mitigation measures to limit viewing to designated sites, it is anticipated that impacts due to disturbance (people leaving their vehicles to get closer) will be reduced.

Changes to eagle roosting behavior could occur as a result of too many people leaving their vehicles to view the roost sites. With the proposed mitigation measures limiting access to not closer than one-half mile, these impacts are not anticipated.

e. Visual and Recreational Resources

Visual and recreational resources will not be impacted from commercial day-use activities. The majority of these groups will be using existing roads that are maintained for the purpose of public access. Recreation facilities will be used for sanitation and day-use activities such as picnicking. BLM facilities are well-established throughout the District and are set up to serve these types of groups.

f. Cultural

No impacts to cultural resources are anticipated due to where visitor use will occur. All recreational sites that are designed for public use, such as overlooks, recreational facilities, etc., have been cleared for cultural resources. Areas such as the Riddle Brothers Ranch National Historic District are set up to allow visitations on a controlled basis to manage the cultural and historic values that are associated with the area.

g. Wild Horses

Vehicle tours through Herd Management Areas (HMAs) along highways and County roads will have no additional impacts to horse herds beyond those already occurring.

Occasional walk-in and horseback groups to more remote parts of HMAs will cause some disturbance to herds but will not cause horses to permanently relocate or cause changes in herd behavior or social structure.

h. Minerals

No anticipated impacts to mineral resources from commercial day-use activities are expected.

i. Water Resources

No impacts to any water resources are anticipated because most of the use will not be at or near streams or lakes and the impacts will not be ground disturbing. If any impacts are occurring, they would not be in addition to those impacts.

j. Social

Greater customer satisfaction would be anticipated because the permitting process would be much shorter and less complicated. Also, due to the streamlined process, the agency anticipates better compliance. By streamlining the commercial day-use process, commercial users would be less likely to try to avoid the BLM SRP process. This would increase BLM's opportunity to share with the permittee sensitive resource and safety concerns associated with the proposed activity. It would also increase revenue to the BLM from the SRP process. Revenue that should have been received by the BLM for the commercial activity would be foregone.

B. No Action Alternative

1. Anticipated Impacts

With a few exceptions the impacts from the no action alternative would be the same as the proposed action. These differences would be in customer satisfaction and impacts to certain wildlife species and public safety.

Commercial day-use over-the-counter requests and short notice by phone would continue to cause conflict between the user and the BLM, not being able to process these permits in a timely manner. Groups that were not issued a permit would continue to use the area, and very likely not contact the BLM in the future. A high rate of noncompliance would be anticipated.

Anticipated impacts from unregulated groups would be health and safety concerns with traffic and sanitation. Vehicles would go on roads not designed for them and they would not be bound to interact in any way with other users at congested sites.

It is also anticipated that sage grouse and bald eagles would receive greater impacts from disturbance than the proposed action.

2. Cumulative Affects

No cumulative impacts were identified for the proposed action or the no action alternative.

As more visitations occur on public land, recreational use will be monitored for long-term impacts and/or benefits to the environment. Mitigating measures would be established to control visitor use and environmental impacts if cumulative impacts are identified or anticipated.

The local communities, adjacent to the recreation areas, will continue to benefit economically from the visitor use within the area.

VII. CONSULTATION AND COORDINATION

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FINDING OF NO SIGNIFICANT IMPACT
for
Environmental Assessment for Commercial Day-use Activities

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This proposal is in conformance with objectives and land use plan allocations in the 1992 Three Rivers Resource Management Plan (RMP) and in the 1982 Andrews Management Framework Plan (MFP). It is also consistent with the objectives for all alternatives of the "draft" Southeastern Oregon RMP/Environmental Impact Statement (SEORMP/EIS).

Based on the analysis of potential environmental impacts contained in the attached Environmental Assessment (EA) and all other information, I have determined that the proposal and alternatives analyzed do not constitute a major Federal action that would adversely impact the quality of the human environment. Therefore, an EIS is not necessary and will not be prepared. This determination is based on the following factors:

1. Beneficial, adverse, direct, indirect, and cumulative environmental impacts discussed in the EA have been disclosed. The physical and biological affects are limited to the Burns District.
2. Public health and safety would not be adversely impacted.
3. There would be no adverse impacts to wetlands, floodplains, areas with unique characteristics or ecologically critical areas.
4. There are no highly controversial affects on the environment.
5. There are no affects that are highly uncertain or involve unique or unknown risk. Sufficient information on risk is available based on information in the EA and other past actions of a similar nature.
6. This alternative does not set a precedent for other projects that may be implemented in the future to meet the goals and objectives to the District's RMPs.
7. No cumulative impacts related to other actions that would have a significant adverse impact were identified or are anticipated.
8. Based on previous and ongoing cultural resource surveys, and through the mitigation of avoidance, no adverse impacts to cultural resources were identified or anticipated.

9. No adverse impacts to any threatened or endangered species or their habitat that was determined to be critical under the Endangered Species Act were identified. It, at a future time, there could be the potential for adverse impacts, treatments would be modified or mitigated not to have an adverse affect or a new analysis would be conducted.
10. This alternative is in compliance with relevant Federal, State, and local laws, regulations and requirements for the protection of the environment.

Andrews Resource Area Field Manager

Date

Three Rivers Resource Area Field Manager

Date

SPECIAL RECREATION PERMIT PROCESS CHECKLIST

1. Final Map of Area of Use
2. Operating Plan (as needed)
3. Stipulations and Mitigation Instructions (site-specific to permit)
4. Proof of Insurance Certificate
5. Prepayment Fee
6. Performance Bond (as needed)
7. Copy of State Licenses (as needed)